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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Ramon Manuel Rivera,

No. CV 13-481-PHX-RCB (JFM)

10 Plaintiff,

11 vs.

ORD E R

12 Maricopa County Sheriff's Office, et al.,

13 Defendants.

14
15 Plaintiff Ramon Manuel Rivera, who is confined in the Maricopa County Lower
16 Buckeye Jail, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an
17 Application to Proceed *In Forma Pauperis*. In a May 28, 2013 Order, the Court granted
18 the Application to Proceed and dismissed the Complaint with leave to amend.

19 On June 14, 2013 Plaintiff filed a Motion to Stop Payment (Doc. 7). Plaintiff did
20 not file an amended complaint and, on August 20, 2013, the Clerk of Court entered a
21 Judgment of Dismissal for failure to comply with a Court order (Doc. 8).

22 In his Motion to Stop Payment, Plaintiff asks that the Court issue an order to stop
23 collection of the filing fee for this case.

24 Title 28 U.S.C. §1915(b)(1) states:

25 [I]f a prisoner brings a civil action or files an appeal in forma
26 pauperis, the prisoner shall be required to pay the full amount
27 of a filing fee. The court shall assess and, when funds exist,
collect, as a partial payment of any court fees required by law,
an initial partial filing fee of 20 percent of the greater of-

28 (A) the average monthly deposits to the prisoner's account; or

1 (B) the average monthly balance in the prisoner's account for
2 the 6-monthly period immediately preceding the filing of the
complaint or notice of appeal.

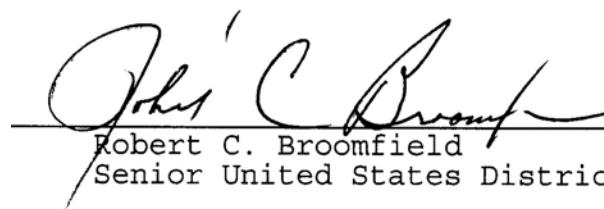
3 Title 28 U.S.C. § 1915 does not provide any authority or mechanism for the Court
4 to waive the payment of Plaintiff's filing fee, or to return the filing fee after dismissal of
5 an action.

6 It is clear that in amending 28 U.S.C. § 1915 with the enactment of the Prison
7 Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (Apr. 26, 1996)
8 (PLRA), Congress intended to provide financial disincentives for prisoners filing lawsuits
9 in forma pauperis. *See Lyon v. Krol*, 127 F.3d 763, 764 (8th Cir. 1997) ("Congress
10 enacted PLRA with the principal purpose of deterring frivolous prisoner litigation by
11 instituting economic costs for prisoners wishing to file civil claims. *See, e.g.*, H.R. Conf.
12 Rep. No. 104-378, at 166-67 (1995); 141 Cong. Rec. S14626 (daily ed.) (Sept. 29, 1995)
13 (statement of Sen. Dole)").

14 The decision to file and prosecute this case was made by Plaintiff before he filed
15 this case. Having filed this case, Plaintiff and the Court are both statutorily limited by the
16 strictures of 28 U.S.C. § 1915. Accordingly, Plaintiff's request to cease collection of the
17 filing fee in this matter will be denied.

18 **IT IS ORDERED** that Plaintiff's June 14, 2013 Motion to Stop Payment (Doc. 7)
19 is **denied**.

20 DATED this 4th day of October, 2013.

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24 Robert C. Broomfield
25 Senior United States District Judge
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